



# FOREIGN AFFAIRS MANUAL

## VOLUME 9 – Visas

**Transmittal Letter:** VISA-168

**Date:** August 8, 1997

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### PARTS 40, 41, 42, AND PART IV

#### MAJOR CHANGES

1. 40.41 Exhibit I: The poverty guidelines have been updated. These guidelines took effect March 10, 1997. Please note when the contractual affidavit of support becomes effective, posts will receive new guidelines listing the requisite 125% amount [97 State 069257].
2. 40.52 Regs: The regs have been updated to remove the dates which are no longer applicable [61 FR 1835, January 24, 1996.]
3. 40.67 Related Statutory Provisions: INA 214(l) is added to the Related Statutory Provisions. This section renders aliens ineligible for student status who are attending public elementary school or a publicly-funded adult education program or attending public secondary school unless the aggregate period is less than 12 months and the alien has reimbursed the education agency for full, unsubsidized per capita costs of the education. [Sec. 625 of Pub. L. 104-208.]
4. 41.24 Exhibit I: The “Organization for the Prohibition of Chemical Weapons” has been added to the list of international organizations according to Executive Order 13049.
5. 41.51 Exhibit I: This exhibit has been reformatted in its entirety. The country of Zaire has been renamed to “Congo, Democratic Republic of the” (Congo Kinshasa). This change will be reflected in a future TL in Appendix C. Georgia has been added to the list of countries enjoying E status with the United States. Footnote 11 pertaining to Yugoslavia has been rewritten.
6. 41.58 Related Statutory Provisions: INA 101(a)(27)(C)(ii) is amended to change the dates to October 1, 1997. [Sec. 214 of Pub. L. 103-416; October 25, 1994.]
7. 41.107 Regs: Paragraph (e) is added to regulate the collection of a fee for the processing of machine-readable nonimmigrant visas and machine-readable combined border-crossing cards. [59 FR 25325, May 15, 1994 and 62 FR 24334, May 5, 1997.]

8. 41.107 Related Statutory Provisions: Sec. 140 of Pub. L. 103-236 is added to the Related Statutory Provisions. This section provides for the collection of a surcharge for machine-readable nonimmigrant visas and machine-readable combined border-crossing cards.
9. 41.107 Notes: N1 is amended to reflect the provisions of sec. 631(b) of Pub. L. 104-208. This section applies the reciprocity rules to refugees and permanent residents. N2 is updated to reflect the MRV processing fee authorized by sec. 140 of Pub. L. 103-236.
10. 41.111 Related Statutory Provisions: INA 104 is added to the Related Statutory Provisions. This section outlines the powers and duties of the Secretary of State in administering the INA.
11. 41.112 Regs: 41.112(b) are amended to apply the nonimmigrant reciprocity rules regarding visa validity and fees to refugees and permanent residents. [62 FR 24331, May 5, 1997.]
12. 41.113 Regs: Regs have been amended to reflect the use of the machine-readable visa, the elimination of the bearer(s) annotation, the limitation of nonimmigrant visas to a maximum of ten years, and removal of the requirement for the consular officer's signature. [62 FR 24332, May 5, 1997.]
13. 41.113 Related Statutory Provisions: INA 222(e) is added to the Related Statutory Provisions.
14. 41.121 Related Statutory Provisions: INA 212(b) is revised to reflect the amendments made by sec. 412 of Pub. L. 104-132. This section provides for a waiver by the Secretary of State of the requirement for consular officers to provide aliens denied visas with written notice of the denial and exempts consular officers from this requirement for aliens denied under INA 212(a)(2) and (3).
15. 42.61 Exhibit II: Provides a current list of designated homeless processing posts for immigrant visa applicants.
16. 42.67 Procedural Notes: PN7.1 is amended to provide a new address to which posts should send fingerprint cards.
17. 42.71 Related Statutory Provisions: Sec. 307(a) of Pub. L. 104-208 amended INA 243, formerly 243(g), is amended and redesignated as 243(d).
18. 42.72 Regs: Regs have been amended to extend the validity of an immigrant visa from four to six months. [62 FR 27693, May 21, 1997.]

19. 42.72 Notes and Procedural Notes: N3, N4.2 and PN3 are amended to reflect the provisions of sec. 631 of Pub. L. 104-208 that extends the validity of an immigrant visa from four to six months. N4.1-1 and N4.1-2 are revised to ensure applicants granted extended visa validity comply with new grounds of ineligibility added by Pub. L. 104-208.
20. 42.81 Related Statutory Provisions: Sec. 603(a) of Pub. L. 101-649 amended INA 221(g) by replacing 212(a)(7) and 212(a)(15) with 212(a)(4).
21. Appendix D Exhibit I This document replaces Exhibit I in Part IV Appendix D.
22. Officers are reminded that Department-issued materials not codified in the *Foreign Affairs Manual* or its supplemental *Foreign Affairs Handbook* series generally have no regulatory validity (see 2 FAM section 1115.2).

## **FILING INSTRUCTIONS** (Paper Copies)

1. Remove 40.41 Exhibit I (TL:VISA-139; 4-3-96 – 2 pages) and insert the revised identically numbered exhibit.
2. Remove 40.52 Regs/Statutes (TL:VISA-159; 12-20-96 – 2 pages) and insert the revised identically numbered section.
3. Remove 40.67 Regs/Statutes (TL:VISA-159; 12-20-96 – 1 page) and insert the revised identically numbered section.
4. Remove 41.24 Exhibit I (TL:VISA-166; 05-10-1997 – 5 pages) and insert the revised identically numbered exhibit.
5. Remove 41.51 Exhibit I (TL:VISA-143; 6-14-96 – 8 pages) and insert the revised identically numbered section.
6. Remove 41.58 Regs/Statutes (TL:VISA-121; 9-1-95 - 3 pages) and insert the revised identically numbered section.
7. Remove 41.107 Regs/Statutes (TL:VISA-94; 9-30-94 2 pages) and insert the revised identically numbered section.
8. Remove 41.107 Notes (TL:VISA-2; 8-30-87 – 1 page) and insert the revised identically numbered section.
9. Remove 41.111 Regs/Statutes (TL:VISA-9; 3-23-88 - 1 page) and insert the revised identically numbered section.
10. Remove 41.112 Regs/Statutes (TL:VISA-159; 12-20-96 – 4 pages) and insert the revised identically numbered section.

11. Remove 41.113 Regs/Statutes (TL:VISA-155; 10-18-96 – 4 pages) and insert the revised identically numbered section.
12. Remove 41.121 Regs/Statutes (TL:VISA-94; 9-30-94 – 2 pages) and insert the revised identically numbered section.
13. Remove 42.61 Exhibit II (TL:VISA-81; 8-4-93 – 1 page) and insert the revised identically numbered exhibit.
14. Remove 42.63 Notes (TL:VISA-113; 5-31-95 – 6 pages) and insert the revised identically numbered section.
15. Remove 42.67 Procedural Notes (TL:VISA-162; 2-24-97 – 4 pages) and insert the revised identically numbered section.
16. Remove 42.71 Regs/Statutes (TL:VISA-10; 4-5-88 – 2 pages) and insert the revised identically numbered section.
17. Remove 42.72 Regs/Statutes (TL:VISA-57; 4-15-92 – 2 pages) and insert the revised identically numbered section.
18. Remove 42.72 Notes (TL:VISA-63; 7-30-92 3 pages) and insert the revised identically numbered section.
19. Remove 42.72 Procedural Notes (TL:VISA-57; 4-15-92 – 2 pages) and insert the revised identically numbered section.
20. Remove 42.81 Regs/Statutes (TL:VISA-10; 4-5-88 – 2 pages) and insert the revised identically numbered section.
21. Remove Appendix D Exhibit I (TL:VISA-119; 7-3-95 – 3 pages) and insert the revised identically numbered exhibit.
22. For those who maintain a hard copy of this volume, after inserting the material in the binder, insert this transmittal letter immediately following the TL Checklist, fill in the entry line for TL:VISA-168, and initial.

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**(CAVO/L/R)**